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TOWNSEND and TOWNSEND and CREW LLP

By: Jenja K. Hardin

PATENT
Attorney Docket No.: 018781-003310US
Client Ref. No.: T99-002-1

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Leping Li, Julio Cesar Medina, Bei Shan

Application No.: 09/479,315

Filed: January 6, 2000

For: LXR MODULATORS

Examiner:

Technology Center/Art Unit: 1623

RESPONSE TO RESTRICTION
REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement mailed May 19, 2003, please enter the following remarks. Claims 1-27 are pending in the application are subject to a restriction requirement. The Examiner has requested restriction to one of the following inventions (Groups I-V):

I. Claims 1-13, drawn to the compounds of formula depicted in claim 1, wherein A is cycloalkyl, R¹ and R² are heteroaryl or heteroarylalkyl, classified in classes and subclasses depending on the definition of R¹ and R².

II. Claims 1-13, drawn to the compounds not included in Group I, classified in classes and subclasses depending on the nature of the substituents.

III. Claims 13-23, drawn to the compounds of formula depicted in claim 1 wherein A is cycloalkyl, R¹ and R² are heteroaryl or heteroarylalkyl, classified in classes and subclasses depending on the definitions of R¹ and R².

IV. Claims 13-23, drawn to the compounds not included in Group III, classified in classes and subclasses depending on the nature of the substituents.

V. Claims 24-27, drawn to a method for the treatment of LXR-responsive diseases.

Applicants respectfully note minor errors in the analysis of the inventive groups. Group I is drawn to "composition" claims, not "compound" claims and presumably embodies claims 1-12 rather than 1-13 as stated by the Examiner. A similar error was made in the presentation of Group II.

Based on the above understanding of the inventive groups, Applicants elect with traverse to prosecute Group I, claims 1-12, drawn to compositions containing compounds of the formula depicted in claim 1 for use in the modulation of LXR function. Applicants' traverse is based on the view that no undue burden has been established for the search and review of all claims. However, should the claims in Group I be found allowable, Applicants request that the claims of Group III be rejoined as they are directed to compounds, and would not entail any additional searching by the Office.

In accordance with the requirement to elect a species, Applicants elect compound 1 (*see, Example 1*). Claims reading on the elected species are claims 1-7 and 10-12.

CONCLUSION

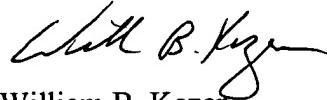
In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for substantive review on their merits.

Appl. No. 09/479,315
Reply to Office Action of May 19, 2003

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,



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